

Remarks and Arguments

Prior to this amendment, claims 1-3, 7-8, 12-15, 17-21, 23-30 and 32-35 were pending. Applicant has amended claims 1, 8, 17 and 29. No claims have been canceled. The claims now pending for examination are the same (1-3, 7-8, 12-15, 17-21, 23-30 and 32-35).

Applicant notes with the appreciation the allowance of claims 25 and 35.

Section 112 rejections

Claims 8 and 17 were rejected for confusing language or lack of antecedent basis. The lack of adjacent basis has been removed from claim 17. Claim 8 has been amended to correct the confusing language.

Applicant respectfully asserts that the 112 rejections have been overcome.

Prior Art Rejections

Claims 1-3, 7-8, 12-13, 15 and 28 were rejected under 102(e) as being anticipated by Porter et al. U.S. Patent 6,758,672.

Claim 26 was rejected under 103(a) as obvious over Porter.

Claims 14, 17-21, 23-24, 27, 29-30 and 32-34 were rejected under 103(a) as obvious over Porter in view of Gittleman US Patent 6,508,650.

Claim 1 has been amended to more clearly recite that the bevel is provided in the area of transition from (between) the reference surface and the semicylindrical outer circumferential surface of the semicircular cylinder. This feature is supported at page 18 last paragraph of the specification, and in the embodiment of Figure 2A, wherein bevel 27a is provided between reference surface 24 and outer surface 27b of the semicylindrical section 23 at the top of extension piece 2. As disclosed at the bottom of page 19 and top of page 20 of applicant's specification, the bevel enables, in connection with the corresponding recess 46 of the transfer aid 4 (see Figure 4A) that, even in the

case of deformation of the reference surface 24 (e.g. because of an impact of a tool), the transfer aid 4 can be easily applied to the matching extension piece 2.

The primary reference Porter neither discloses nor suggests such a bevel formed between an outer circular surface of a semicircular cylinder and the claimed reference surface. In the contrast, the alleged “bevel” according to Porter is arranged in the transition from the circumferential surface of the supragingival zone 82 to the top surface of the supragingival zone 82. The bevel of the top surface of the supragingival zone 82 is not described and is also not shown in Figures 4B and 4D. However, the “bevel” according to Porter, which in fact is not a bevel but a curvature – cooperates with a curvature of the impression cap 19 and appears to be provided for the purpose of centering during the assembly procedure. Thus, not only are the position and shape of the bevel distinguishable from the presently claimed subject matter, but also the function is different. Thus, applicant respectively asserts that the subject matter of amended claim 1 is defined in a manner patentably distinct from Porter.

Claim 29 has been amended to depend from claim 1, and it patentable for the same reasons.

Claim 17 also depends from claim 1 and is patentable for the same reasons.

In regard to obviousness, Porter teaches, contrary to the presently claimed subject matter, that instead of positioning a formerly used (original) extension piece in the correct position in the impression, an implant analog is positioned in the impression material. Since analogs are not absolutely identical to the original extension piece, correct positioning can be complicated and compromised.

Furthermore, the secondary reference Gittleman teaches use of an impression post 65, which is obviously different from applicant’s claimed extension piece (as acknowledged by the examiner). The impression post of Gittleman is perhaps more comparable to the transfer aid 4 of the present invention. Thus, Gittleman does not disclose the claimed extension piece.

Still further, it is not proper to combine Gittleman and Porter as they are documents with contrary teachings. Gittleman teaches the opposite of Porter, namely reinserting a transfer post, which prior to taking the impression was fixed to the implant, into the impression material. In contrast Porter positions an analog in the impression material, not the original extension piece.

Based on the above (multiple) failures to teach the claimed elements, and because the relied upon references contain contrary teachings, the obviousness rejection is believed to be overcome. Reconsideration allowance is respectfully requested.

RECONSIDERATION

It is believed that all claims of the present application are now in condition for allowance.

Reconsideration of this application is respectfully requested. If the Examiner believes that a teleconference would expedite prosecution of the present application the Examiner is invited to call the Applicant's undersigned attorney at the Examiner's earliest convenience.

Any amendments or cancellation or submissions with respect to the claims herein is made without prejudice and is not an admission that said canceled or amended or otherwise affected subject matter is not patentable. Applicant reserves the right to pursue canceled or amended subject matter in one or more continuation, divisional or continuation-in-part applications.

To the extent that Applicant has not addressed one or more assertions of the Examiner because the foregoing response is sufficient; this is not an admission by Applicant as to the accuracy of such assertions.

Please grant any extensions of time required to enter this response and charge any fees in addition to fees submitted herewith that may be required to enter/allow this response and any accompanying papers to our deposit account 02-3038 and credit any overpayments thereto.

Respectfully submitted,

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